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OFFICE OF PETITIONS

ON PETITION

In re Application of
Stephen J. Pearson
Application No. 10/803,302
Filed: March 18, 2004
Attorney Docket No.: MKL-006

This is a decision on the petition filed May 18, 2006, under 37 CFR 1.181
to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on July 21, 2005, for failure to timely submit a
timely response to the non-Final Office Action mailed April 20, 2005 and which set a
three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed
March 23, 2006.

Petitioner asserts that a response was filed and, in support, petitioner has submitted,
inter alia, a copy of the response in the form of an amendment and a post card receipt.

A search of the application file and the USPTO records does not reveal receipt of the
response and the postcard receipt filed with the petition does not bear a USPTO
postmark, but the response in the form of an amendment does in fact bear a certificate
of mail, pursuant to 37 CFR 1.8, dated July 6, 2005. Thus, the evidence submitted
corroborates a timely response to the non-Final Office Action.

Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is
necessary and none has been charged.

This matter will be referred to Technology Center 3728 for appropriate action on the
amendment filed July 6, 2005, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions